IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 346 OF 2006
IN
WRIT PETITION NO. 3734 OF 1990

Prabhakar Shankar Kulkarni .. Petitioner.

V/s.

Maruti Krishna Mane & others. .. Respondents.

Mr.Vivek Salunke i/by Mr.P.B.Shah for the Petitioner.

Mr.P.J.Thorat for Respondent No.1.

CORAM : S. A. BOBDE, J.

DATED : 08th AUGUST, 2007.

P.C. :-

. According to the petitioner the respondents are in breach of the order of status-quo granted by this court because they have filed an application under 36-G proceedings before the A.L.T., for determination of the purchase price.

2. Apparently, it appears that the order of status quo is in relation to the obstruction of possession of the land between the parties. This is apparent from the earlier order dated 15th August, 1990 at Exh. ‘E’. By that order, the respondents were restrained from causing

any obstruction to the possession and vahiwat of the petitioners in respect of the land in question. This order of injunction was later on modified to an order of status quo as on 15.08.1990 i.e. the date of the earlier order. Admittedly, there is no stay order restraining the ALT from entertaining or proceeding with the application under 32-G nor is there any order, restraining the respondents from making any application to the ALT. If the petitioners were of the view that the status quo order prevented the respondents from taking any recourse to the legal proceedings, they could have resorted to an appropriate remedy at law, which they did not. Obviously they let the matter proceed by merely objecting before the authority and initiated the proceedings for contempt after the order went against them.

3. Having regard to the circumstances of the case, it is clear that the respondents cannot be said to have wilfully disobeyed the order of status quo granted by this court by filing an application under section 32-G of the Act. In the result, the notice is discharged. Contempt petition is dismissed.

(S.A.BOBDE,J.)

.....